

**ARIZONA DEPARTMENT OF HEALTH SERVICES
DIVISION OF ASSURANCE AND LICENSURE
OFFICE OF CHILD CARE LICENSURE
SUBSTANTIVE POLICY STATEMENT # SP-022-ALS-CCL**

**INTERPRETATION OF “RESIDENTIAL FACILITY” IN DEFINITION OF
“CHILD CARE GROUP HOME”**

The purpose of this substantive policy statement is to notify the public how the Department interprets the definition of “child care group home” in A.R.S. § 36-897.

A.R.S. § 36-897 states:

“Child care group home” means a residential facility in which child care is regularly provided for compensation for periods of less than twenty-four hours per day for not less than five children but no more than ten children through the age of twelve years.

The Department interprets the definition of “child care group home” to require that the provider, as defined in A.R.S. § 36-897, reside at the child care group home.

The Department interprets “residential facility” in the definition of “child care group home” to mean that the building used at the child care group home is a primary residence. Because the legislature chose to label this care setting as a “home” and expressly excluded from regulation “the provider’s own children” (A.R.S. § 36-897.03(C)) and “care given to children by or in . . . [t]he homes of their own parents” (A.R.S. § 36-897.04(A)(1)), it is apparent that the legislature intended the provider to reside at the child care group home.

The provider’s living at the child care group home is what sets it apart from a child care facility, as defined in A.R.S. § 36-881. If an individual other than the provider resides at a child care group home, but the provider does not, then the child care group home does not truly provide a “home” care setting—it is just a child care facility located in a residential neighborhood and is required to be licensed as such.

The Department’s interpretation is supported by local zoning requirements. Zoning regulations allow certain types of businesses to be run by an individual in the individual’s own home, but require commercial zoning for an individual other than a resident to operate a business out of a home.

This substantive policy is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona administrative procedure act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.